THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
AND
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No.9943 of 2007

Date 7-6-2007

Between:
The State of A.P. rep. by its Secretary to Government, Municipal Administration & Urban Development Department, Hyderabad and others.

.....

PETITIONERS
AND

Sri V. Satyanarayana Murthy

.....RESPONDENT

THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
AND
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No.9943 of 2007

ORDER: (per Smt. T.Meena Kumari,J)

The petitioner-Department filed the present writ petition seeking a writ of Certiorari to call for the records relating to and connected with the orders dated 20.9.2006 and 10.10.2006 in O.A. No. 5975 of 2006 on the file of the A.P. Administrative Tribunal, Hyderabad and to quash or set aside them by holding it as erroneous and contrary to law.

The brief facts of the case are that the respondent herein was working as a Town Planning Supervisor in Tanuku Municipality. While so, a case was registered under Section 7 of Prevention of Corruption Act, 1988 by the A.C.B. against him in Crime No. 7/ACB-RCT/EWG/99. Subsequently, through proceedings dated 12.7.1999, the respondent was placed under suspension and subsequently, he retired from service on 30.6.2001 on attaining the age of superannuation. Finally, the case ended in acquittal on 2.2.2005. However, the Government through G.O. Ms.No.391, dated 26.7.2006 issued orders according sanction for conducting enquiry against the respondent under Rule 9(2) of A.P. Revised Pension Rules, 1980 in respect of the charges pertaining to the year 1999-2000. Assailing the same, the respondent filed O.A. No. 5975 of 2006 before the A.P. Administrative Tribunal. The Tribunal, while admitting the O.A., on 20.9.2006, granted interim order and the same was made absolute on 10.10.2006 until further orders. Aggrieved by the same, the Department filed the present writ petition.

Admittedly, the Tribunal through the impugned order, only passed interim order and it did not pass any final order in the O.A. In the

circumstances, we do not find any valid ground to entertain this writ petition filed under Article 226 of the Constitution of India .

The writ petition is accordingly dismissed at the admission stage.

However, liberty is reserved to the petitioner-Department to agitate all the contentions which were urged in this writ petition before the Tribunal in accordance with law. No costs.

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T. MEENA KUMARI,J

DATE: 7th June, 2007

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G. CHANDRAIAH,J

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